

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DENVER JAMES WHITE,

Plaintiff,

v.

No. CV 08-0955 WJ/GBW

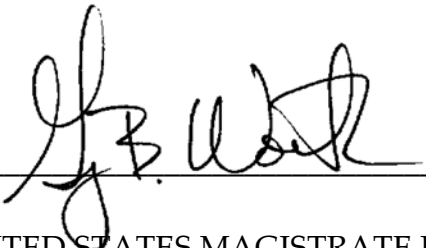
DONA ANA COUNTY DETENTION CENTER, ET AL.

Defendants.

ORDER DENYING PLAINTIFF'S MOTION TO CERTIFY CLASS

This matter is before the Court on Plaintiff's "Motion to Certify as Class." *Doc. 140*. One of the four requirements for class certification is that "the representative parties will fairly and adequately protect the interests of the class." Fed. R. Civ. P. 23(a)(4); *quoted in Shook v. El Paso County*, 386 F.3d 963, 971 (10th Cir. 2004). The Court of Appeals for the Tenth Circuit has determined that a *pro se* party may not represent a class in federal litigation. *See Fymbo v. State Farm Fire & Cas. Co.*, 213 F.3d 1320, 1321 (10th Cir. 2000) ("We do not hesitate to affirm the district court's decision that Mr. Fymbo cannot adequately represent the putative class. . . . A litigant may bring his own claims to federal court without counsel, but not the claims of others"). Thus, because Plaintiff does not meet the representation requirement of rule 23, the Court will deny class certification.

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE